

**SUPREME COURT MINUTES
TUESDAY, JUNE 22, 1999
SAN FRANCISCO, CALIFORNIA**

S005970 People, Respondent

v.

Joseph William Hart, Appellant

The time for granting or denying a rehearing in the above cause is hereby extended to and including August 30, 1999, or the date upon which a rehearing is either granted or denied, whichever occurs first.

S011323 People, Respondent

v.

David Esco Welch, Appellant

The time for granting or denying a rehearing in the above cause is hereby extended to and including August 30, 1999, or the date upon which a rehearing is either granted or denied, whichever occurs first.

S069783 People, Respondent

v.

Jerry Garcia, Appellant

The time for granting or denying a rehearing in the above cause is hereby extended to and including August 30, 1999, or the date upon which a rehearing is either granted or denied, whichever occurs first.

1st Dist. Department of Veterans Affairs, Respondent

A087285 v.

Div. 5 Glen Mercier et al., Appellants

S079838 Application for stay and petition for review DENIED.

Orders were filed in the following matters extending the time within which to grant or deny a petition for review to and including the date indicated, or until review is either granted or denied:

A070024/S078394 People v. Bernard Leroy MacCarlie et al. - July 23, 1999.

A073277/S078387 People v. Anthony Lang Lockley et al. - July 28, 1999.

A082140/S078396 People v. Randy E. Cooper - July 23, 1999.

- A086217/S078902 Morris E. Hurley v. Public Utilities Commission; SBC Communications et al. - July 28, 1999.
- A086514/S078410 Rite Aid Corporation et al. v. Marin County Superior Court; Scott Gospednetich et al., RPI - July 26, 1999.
- B097529/S078505 Joe Notrica dba Notrica's 23rd Street Market v. State Compensation Insurance Fund - July 26, 1999.
- B105976/S076032 Ronald Stanman v. Alan J. Schultz et al. - July 26, 1999.
- B114928/S078439 People v. Ricky Pimentel - July 26, 1999.
- B115537/S078414 People v. Michael Mitchell et al.; And Companion Case - July 26, 1999.
- B118676/S078447 People v. Karen Oganessian - July 27, 1999.
- B119561/S078418 People v. Enrique Perez - July 26, 1999.
- B120133/S078514 In re Cheri T., a Person Coming Under the Juvenile Court Law; People v. Cheri T. - July 29, 1999.
- B120793/S078436 People v. C. T. Blake - July 26, 1999.
- B121322/S078360 In re Tommy Sanchez on Habeas Corpus; People v. Tommy Sanchez; And Companion Case - July 23, 1999.
- B121361/S078537 People v. Roshay D. Cleveland - July 28, 1999.
- B123471/S078366 People v. Jerry Otis - July 23, 1999.
- B127071/S078286 Barbara Fiammetta v. W.C.A.B.; Los Angeles Unified School District - July 20, 1999.
- B130925/S078383 Robert Mardirossian v. Los Angeles County Superior Court; People, RPI - July 23, 1999.
- C025259/S078503 People v. Michael Eugene Parker - July 28, 1999.

C025736/S078605 People v. Rudolph Raymond Simental, Jr. - July 26, 1999.

C028689/S078533 People v. Jose Bueno Garza - July 29, 1999.

C029162/S078488 People v. Matthew Joseph Pennuci - July 28, 1999.

D028284/S078597 People v. Ronald Bedford - July 29, 1999.

D028786/S078450 People v. Martin Jose Cuen - July 23, 1999.

D028948/S078499 People v. Arthur Bussiere; In re Arthur Bussiere on Habeas Corpus - July 23, 1999.

D029567/S078452 People v. Jose Melendez - July 23, 1999.

D029608/S078448 People v. James Gerald Hale - July 23, 1999.

D032702/S078490 Robert Earl Sheppard v. Workers' Compensation Appeals Board et al. - July 23, 1999.

D032842/S078528 Driver Eddy Construction Company et al. v. Workers' Compensation Appeals Board et al. - July 29, 1999.

E021446/S078281 Estate of Joseph A. Monti, Deceased; Jacqueline K. Foster v. Nicholas Ronald Monti - July 16, 1999.

E022643/S078523 People v. Paul George Checketts - July 29, 1999.

G021203/S078518 People v. Benjamin Perez - July 28, 1999.

F026449/S078653 People v. Larry Vickers, Jr. - July 29, 1999.

F026943/S078397 People v. Johnnie Angel - July 29, 1999.

F027903/S078427 People v. Tony Mason Manning - July 26, 1999.

F028612/S078566 People v. Juan Vasquez - July 29, 1999.

H018056/S078105 People v. Antonio Rodriguez - July 26, 1999.

H019805/S078622 Jean Echevarria et al. v. Santa Clara County Superior Court - July 23, 1999.

H019861/S078369 In re Richard Martinez Jackson on Habeas Corpus - July 23, 1999.

S029301 People, Respondent
v.

James David Tulk, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including August 17, 1999.

S073735 In re Richard K. Overton
on
Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response is extended to and including July 20, 1999.

S076615 In re Kevin Jamel Walker
on
Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file the informal response to the petition for writ of habeas corpus is extended to and including July 17, 1999.

S077219 Daniel Griset et al. Appellants
v.

Fair Political Practices Company, Respondent

On application of appellants and good cause appearing, it is ordered that the time to serve and file appellants' answer brief on the merits is extended to and including August 11, 1999.

2nd Dist.
B119136 Robert Soliz
 v.

Alexander H. Williams, III

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, is transferred from Division Three to Division Five.

2nd Dist.
B132541 Gatt Construction, etc.
 v.

W.C.A.B. (Curtis Corum)

The above-entitled matter, now pending in the Court of Appeal, Second Appellate District, Division Four, is transferred to the Court of Appeal, Fourth Appellate District, Division Two.

4th Dist.
E024047 Shapell Industries, Inc.
Div. 2 v.
 Workers' Compensation Appeals Board

The above-entitled matter, now pending in the Court of Appeal, Fourth Appellate District, Division Two, is transferred to the Court of Appeal, Second District.

S078142 In re **Phillip Aron Schuman** on Discipline

It is ordered that **Phillip Aron Schuman** be suspended from the practice of law for three years, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including two and one-half years actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed December 21, 1998. Credit towards the period of actual suspension shall be given for the period of interim suspension which commenced on June 27, 1996 (*In re Young* (1989) 49 Cal.3d 257, 270). It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and payable in accordance with Bus. & Prof. Code section 6140.7 as amended effective January 1, 1997.

S078145 In re **Patricia E. Shields** on Discipline

It is ordered that **Patricia E. Shields** be suspended from the practice of law for two years and until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that she be placed on probation for two years on condition that she be actually suspended for 90 days and until she makes restitution to Tammy A. Urrea in the amount of \$225 plus 10% interest per annum from April 29, 1997 and until she has satisfied the sanction order of the United States Bankruptcy Court for the Northern District of California in the amount of \$975, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel. She is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed September 17, 1998. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is also ordered that she comply with rule 955, California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7.

*(See Business & Professions Code, § 6126, subd. (c).)

S078146 In re **Patrick Hugh Hutchinson** on Discipline

It is ordered that **Patrick Hugh Hutchinson** be suspended from the practice of law for three years and until he shows proof satisfactory to the State Bar Court of rehabilitation, present fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be actually suspended for fourteen months. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order dated November 23, 1998, approving the stipulation filed November 24,

1998. Credit toward the period of actual suspension shall be given for the period of interim suspension which commenced on April 16, 1998. (*In re Young* (1989) 49 Cal.3d 257, 270.) It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and shall be paid in accordance with Business and Professions Code section 6140.7.

S078147 In re **David Ramirez Dequit** on Discipline

It is ordered that **David Ramirez Dequit** be suspended from the practice of law for six months, that execution of suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation, including restitution to Emerlino Manaid (or the Client Security Fund if appropriate) in the amount of \$865.00 plus 10% interest per annum from March 24, 1997, recommended by the Hearing Department of the State Bar Court in its decision filed October 19, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7.

S078148 In re **Gelly Yukon Valero** on Discipline

It is ordered that **Gelly Yukon Valero** be suspended from the practice of law for four years, that execution of suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for 22 months. It is further ordered that he pay Dr. Ron Badener the sum of \$3,735.70 pursuant to the June 19, 1998, small claims judgment in case no. 90309, if his appeal of that judgment was unsuccessful, and provide proof of such payment to the probation unit with the first quarterly report due pursuant to this order. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order regarding stipulation filed June 24, 1998. If the

period of actual suspension exceeds two years , he shall remain actually suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and shall be payable in accordance with Bus. & Prof. Code section 6140.7.

*(See Business & Professions Code, § 6126, subd. (c).)

S078150

In re **James David Pittman** on Discipline

It is ordered that **James David Pittman** be suspended from the practice of law for three years, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for two years and until he makes restitution to Keith and Karen Andrews (or the Client Security Fund, if appropriate) in the amount of \$750 plus 10% interest per annum from February 13, 1993, and to Robert Douglass (or the Client Security Fund, if appropriate) in the amount of \$350 plus 10% interest per annum from June 29, 1993, and furnishes proof of the restitution to the Probation Unit, Office of the Chief Trial Counsel, and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed December 15, 1998. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) He is further ordered that to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days,

respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and shall be payable in accordance with Bus. & Prof. Code section 6140.7.

*(See Business & Professions Code, § 6126, subd. (c).)

S078152 In re **Alan Wesley Curtis** on Discipline

It is ordered that **Alan Wesley Curtis** be suspended from the practice of law for two years and until he makes restitution to Reinhold Wessely (or the Client Security Fund, if appropriate) of \$2,000 plus 10% interest per annum from June 22, 1994, and until he pays the sanction ordered in the matter of Zanudo v. Ingram Micro, and provides proof of the restitution and payment of the sanctions to the Probation Unit, Office of the Chief Trial Counsel; that execution of suspension be stayed; and that he be placed on probation for two years on condition that he be actually suspended for 60 days and until he makes the restitution and pays the sanctions described above, and provides proof thereof to the Probation Unit. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed October 1, 1998, as modified by its order filed November 25, 1998. If the period of actual suspension is two years or greater, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If the period of actual suspension exceeds 90 days, it is also ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and shall be payable in accordance with Bus. & Prof. Code section 6140.7.

*(See Business & Professions Code, § 6126, subd. (c).)

S078163 In re **Robert J. Barth** on Discipline

It is ordered that **Robert J. Barth** be suspended from the practice of law for a period of six months. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and shall be payable in accordance with Bus. & Prof. Code section 6140.7.

*(See Business & Professions Code, § 6126, subd. (c).)

S078164 In re **Isauro Diaz** on Discipline

It is ordered that **Isauro Diaz** be suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for 18 months and until he makes restitution to Aurelia Lima (or the Client Security Fund, if appropriate) in the amount of \$600.00, plus 10% interest per annum from March 1, 1997, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed December 21, 1998. If the period of actual suspension is two years or greater, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and

40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar and one-third of said costs shall be added to and become a part of the membership fees for the years 2000, 2001, and 2002. (Bus. & Prof. Code section 6086.10.)

*(See Business & Professions Code, § 6126, subd. (c).)

S078165 In re **Richard Arnold Rocha** on Discipline

It is ordered that **Richard Arnold Rocha** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for 30 months on condition that he be actually suspended for 120 days and until he makes restitution to Traveler's Insurance Companies on behalf of Phyllis Wiedmann (or the Client Security Fund, if appropriate) in the amount of \$20,000.00, plus 10% interest per annum from October 1, 1992, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of the Chief Trial Counsel, Los Angeles. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed December 2, 1998. If the period of actual suspension is two years or greater, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is greater. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and are payable in accordance with Bus. & Prof. Code section 6140.7 as amended effective January 1, 1997.

*(See Business & Professions Code, § 6126, subd. (c).)

S078166 In re **Frank R. Sariol** on Discipline

It is ordered that **Frank R. Sariol** be suspended from the practice of law for four years, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be

actually suspended for five months and until he complies with the restitution conditions recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed December 2, 1998. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed December 2, 1998. If the period of actual suspension is two years or greater, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is greater. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and payable in accordance with Bus. & Prof. Code section 6140.7 as amended effective January 1, 1997.

*(See Business & Professions Code, § 6126, subd. (c).)

S079777

In the Matter of the Resignation of **Derrick Anthony Hoo**
A Member of the State Bar of California

The voluntary resignation of **Derrick Anthony Hoo** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)